

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NORMAN NGUYEN,

Plaintiff,

Hon. Richard Alan Enslen

v.

Case No. 1:07-cv-00039

ROBERT LARION, et al.

Defendants.

REPORT AND RECOMMENDATION

On April 6, 2007, the Court entered an order setting a Rule 16 Scheduling Conference in this matter for April 30, 2007. That same day, a copy of the order was sent to pro se Plaintiff Norman Nguyen. On April 30, 2007, at the scheduled time for the conference, the court and counsel for Defendant were present but Plaintiff did not appear. Nor did Plaintiff contact the court. After waiting a significant amount of time, the court noted Plaintiff's non-appearance on the record and stated that a show cause order would issue.

A show cause order was entered on May 2, 2007, setting a hearing for May 22, 2007, at which Plaintiff was to show cause why his case should not be dismissed for want of prosecution and failure to comply with the rules and orders of the Court. Also on May 2, 2007, a copy of the show cause order was sent to Plaintiff Norman Nguyen. On May 22, 2007, at the scheduled time for the conference, Plaintiff did not appear. Nor did Plaintiff contact the court. After waiting a significant amount of time, the court noted Plaintiff's non-appearance on the record and stated that a report and

recommendation would issue that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1.

As such, the undersigned hereby recommends that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be considered Plaintiff's opportunity to show cause why this matter should not be dismissed.

Respectfully submitted,

Date: May 22, 2007

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).